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Jayoti Vidyapeeth Women's University, Jaipur

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GENDER NEUTRALITY IN DOMESTIC VIOLENCE LAWS IN INDIA: A LEGAL AND SOCIAL STUDY HIGHLIGHTING THE NEED FOR REFORMS

A Synopsis

Submitted in

Partial fulfillment for the degree of

Doctor of Philosophy

Submitted by :

JV'n Nishtha

Submitted to :

JV'n Dr. Monika

FACULTY OF LAW & MANAGEMENT

JAYOTI VIDYAPEETH WOMEN'S UNIVERSITY, JAIPUR

2023-24

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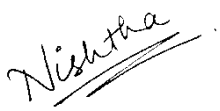

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INTRODUCTION

Domestic violence is a pervasive and multidimensional issue that transcends boundaries of culture, class, and gender. Traditionally perceived as a crime against women, domestic violence laws in India have evolved within the framework of addressing male-to-female violence in intimate relationships. However, this gender-specific approach has overlooked the complexities of victimization, leaving significant gaps in recognizing and addressing abuse experienced by men. The deeply ingrained patriarchal structure of Indian society, coupled with societal stereotypes of masculinity, has further stigmatized male victims, deterring them from seeking legal recourse or institutional support. Similarly, the exclusion of men from domestic violence protections reflects a systemic failure to acknowledge the diversity of victimization in intimate relationships.

The Indian legal framework, including the **Protection of Women from Domestic Violence Act, 2005 (PWDVA)** and **Section 85 of the Bhartiya Nyaya Sanhita, 2023 (BNS)**, has been instrumental in addressing violence against women. These laws provide critical safeguards and mechanisms for legal relief to female victims. However, their gender-specific provisions, while essential, fail to account for the reality of abuse faced by men. This gap not only perpetuates a narrative of male invulnerability but also disregards the constitutional principles of equality and non-discrimination enshrined in Articles 14 and 15 of the Indian Constitution. The absence of inclusive laws undermines the universal right to protection against abuse, irrespective of gender or sexual orientation.

Internationally, gender-neutral domestic violence laws in countries like the United States, United Kingdom, and Canada have set a precedent for inclusivity,

recognizing that victimhood is not confined to a single gender. These legal frameworks adopt a holistic approach, offering protection to all victims of domestic violence, regardless of their gender identity or sexual orientation. By drawing insights from global practices, this research seeks to highlight the relevance and necessity of gender neutrality in domestic violence laws in India.

This study adopts a multidimensional approach to analyze the socio-legal implications of gender-specific domestic violence laws and the potential benefits of transitioning to a gender-neutral framework. The research problem arises from the growing evidence of male victimization in domestic relationships, coupled with the absence of legal recognition and support systems. Through a comparative analysis of international legal frameworks, empirical data collection, and doctrinal research, this study aims to bridge the gap in existing literature and propose actionable reforms.

The objectives of this research include critically examining the historical and legal evolution of domestic violence laws in India, understanding the socio-cultural and institutional challenges faced by male victims, and advocating for legislative and policy reforms to establish a gender-neutral framework. The study also seeks to address concerns regarding the potential misuse of gender-neutral provisions, balancing the principles of equality and justice with the need to protect vulnerable groups.

This thesis, structured into different chapters, begins with an exploration of the background and evolution of domestic violence laws in India, followed by an analysis of gender neutrality as a conceptual and theoretical framework. Subsequent chapters delve into the challenges faced by male victims, comparative analyses of international laws, and the criticisms and counter arguments surrounding gender-neutral domestic violence laws. The final chapters focus on findings, policy recommendations, and the broader implications of adopting a gender-inclusive legal framework.

In an era marked by evolving social norms and increasing awareness of diverse victimization patterns, the need for gender-neutral domestic violence laws in India is more urgent than ever. This study contributes to the ongoing discourse on gender equality, advocating for an inclusive legal framework that ensures justice, dignity, and protection for all victims of domestic violence. By addressing the systemic gaps in the current legal framework, this research aims to pave the way for a more equitable and inclusive society.

RESEARCHOBJECTIVES:

The proposed research objectives are-

1. To examine the historical evolution and current legal framework governing domestic violence in India.
2. To conceptualize gender neutrality in the context of domestic violence laws and to understand its relevance and applicability in India's socio-legal context.
3. To gather and analyze empirical data on the prevalence and nature of domestic violence against men in India.
4. To review gender-neutral domestic violence laws in other countries like and to assess their applicability in the Indian legal and cultural context.
5. To develop actionable recommendations for amending existing domestic violence laws to include male victims.

RESEARCH QUESTIONS

The following research questions have been framed for the research-

1. How do India's existing domestic violence laws address the needs of victims, and what are the gaps in recognizing male victimization?
2. What is the socio-legal relevance of adopting gender-neutral domestic violence laws in India, and how can such laws align with constitutional

principles of equality, non-discrimination, and dignity?

3. What are the societal, cultural, and institutional barriers faced by malevictims of domestic violence, and how do these impede access to justice and support?
4. What lessons can India draw from the gender-neutral domestic violence laws in countries like the United States, United Kingdom, and Canada, and how can these frameworks be adapted to the Indian socio-legal context?
5. What legislative and policy reforms, including safeguards against misuse, can be proposed to create a balanced, inclusive, and effective framework for addressing domestic violence in India?

REVIEWOFLITERATURE

Before finalizing the current topic of Research (Gender Neutrality in Domestic Violence Laws), I have gone through a series of books and articles relating to the concept of cruelty towards husbands and persons suffering from real-life scenarios in modern society with special reference to PWDVA and Section 498A IPC (now Section 85 BNS).

In the course of it, the following literature has been reviewed-

Kumari D. Lathika's chapter, "The Need for a Gender—Neutral Domestic Violence Act" in the Book titled 'Forensic Justice'[1], provides valuable insights into the gender bias in domestic violence laws in India. The chapter challenges the stereotypical notion that men are always perpetrators and women are always victims, highlighting the legal vacuum for male victims. It discusses how multiple women-centric laws, such as the PWDVA, 2005, offer extensive protection for women, whereas no parallel legal framework exists for men facing domestic abuse. The chapter is particularly useful in my research as it underscores the increasing prevalence of male victimization, the rise in false

[1]Lathika, Kumari D. "The Need for a Gender—Neutral Domestic Violence Act." *Forensic Justice*. Routledge, 2024. 204-219.

cases, and the urgent need for legal reforms to ensure gender neutrality. By referencing historical, social, and legal perspectives, this work strengthens my argument that domestic violence laws must be inclusive and provide equal protection to all victims, irrespective of gender.

The paper *Critical Analysis of Domestic Violence: A Gender-Neutral Study*[2] provides a comprehensive evaluation of domestic violence laws, emphasizing the need for gender neutrality. It challenges the traditional perception of domestic violence as an issue affecting only women and highlights male victimization, which remains largely unrecognized in legal discourse. The study critiques India's Protection of Women from Domestic Violence Act, 2005, arguing that its gender-specific framework excludes non-female victims from legal protection. This paper has been instrumental in my research, as it supports my argument that domestic violence laws must evolve to provide equal protection to all victims, irrespective of gender.

The research paper titled *Addressing the roadblocks to gender neutrality in domestic violence laws: a south-Asian perspective*[3]critically examines the role of legal drafting in shaping gender roles, arguing that domestic violence laws must move beyond the binary understanding of male perpetrators and female victims. It highlights how gender biases influence the drafting and interpretation of laws, leading to the exclusion of male victims from legal protection. The paper underscores the stigmatization of male victimhood and the absence of discourse on domestic violence against transgender persons. This research has been instrumental in my study, as it reinforces the argument that gender-specific laws perpetuate societal biases and necessitate a gender-neutral legal framework to ensure justice for all victims.

[2]Agarwal, Vanya. "Critical Analysis of Domestic Violence: A Gender Neutral Study." *Issue 4 Int'l JL Mgmt. & Human.* 3 (2020): 492.
[3]Sharma, Anupama. "Addressing the roadblocks to gender neutrality in sexual and domestic violence laws: A south Asian perspective." *J. Indian L. & Soc'y* 11 (2020): 79.

The research paper *Shifting Public Policy Direction: Gender-Focused Versus Bi-Directional Intimate Partner Violence*[4] critically examines the debate on gender-neutral language in domestic violence laws. It argues that gender-neutral terminology misrepresents research on violence, leading to policy distortions that overlook the gendered nature of abuse. The paper highlights how claims of sex-symmetry in violence obscure crucial differences in homicide, injury, and sexual assault, thereby affecting legal frameworks. This paper has been instrumental in my research, as it provides a counter-perspective on gender neutrality, helping to refine my analysis of how legal reforms should balance inclusivity without ignoring gendered vulnerabilities.

The research paper *Gendered policy and policy on gender: the case of 'domestic violence'*[5]critically examines how policy formation and implementation are influenced by gendered assumptions, despite appearing neutral. It identifies three key gendered processes in constructing domestic violence policy: the naming and defining of violence, the invisibility of men's experiences, and the contexts in which violence is recognized. The paper advocates for a gendered analysis that includes men's experiences to develop more inclusive policies. This work has been instrumental in my research, as it highlights how gender biases shape domestic violence laws and reinforces the need for a balanced, gender-neutral legal framework in India.

The paper titled *Male Victims of Domestic Violence and Their History of Perpetrating Violence*[6]critically examines male victimization in domestic violence cases and questions whether male victims may also be perpetrators. By analyzing emergency department records and police data, the study finds a high rate of prior domestic violence perpetration among men injured by female

[4]DeKeseredy, Walter S., and Molly Dragiewicz. "Shifting public policy direction: Gender-focused versus bidirectional intimate partner violence." *Domestic Violence Info* (2009).
[5]Hearn, Jeff, and Linda McKie. "Gendered policy and policy on gender: the case of 'domestic violence'." *Policy & Politics* 36.1 (2008): 75-91.
[6]Muelleman, Robert L., and Patricia Burgess. "Male victims of domestic violence and their history of perpetrating violence." *Academic Emergency Medicine* 5.9 (1998): 866-870.

partners, suggesting that some injuries may result from self-defense by female victims. While this paper challenges the narrative of male victimhood, it has been valuable in my research by highlighting the complexities of intimate partner violence. It reinforces the need for balanced legal frameworks that recognize both victimization and perpetration among all genders in domestic violence laws.

The paper *Help-seeking by male victims of domestic violence and abuse (DVA): a systematic review and qualitative evidence synthesis*[7] explores the barriers faced by male victims of domestic violence in accessing support services. It highlights key issues such as fear of disclosure, challenges to masculinity, and systemic invisibility of male victims. The study provides valuable insights into the social and institutional biases that deter men from seeking legal or psychological help. This research has been instrumental in shaping my thesis by offering empirical evidence on the overlooked victimization of men, reinforcing the necessity of gender-neutral domestic violence laws in India.

The research paper titled *Male victims of sexual abuse and domestic violence: A steadily increasing phenomenon*[8] provides a comprehensive analysis of male victimization in domestic and sexual violence cases, highlighting its underreporting and lack of recognition in legal and healthcare systems. By examining 231 cases over five years, the study identifies the growing prevalence of violence against men, emphasizing the need for specialized medical, legal, and social support services. This research has been instrumental in my study, as it reinforces the argument that male victims are often overlooked, supporting the need for gender-neutral domestic violence laws in India to ensure equal legal protection for all victims, regardless of gender.

[7]Huntley, Alyson L., et al. "Help-seeking by male victims of domestic violence and abuse (DVA): a systematic review and qualitative evidence synthesis." *BMJ open* 9.6 (2019): e021960.
[8]Margherita, Manuela, et al. "Male victims of sexual abuse and domestic violence: A steadily increasing phenomenon." *Medicine, Science and the Law* 61.1_suppl (2021): 54-61.

The paper titled *Male as a Victims: Domestic Violence from a Different Perspective*[9] provides a crucial perspective on the victimization of men in cases of domestic violence, challenging traditional gender stereotypes that predominantly portray women as victims. The study highlights how societal norms, legal frameworks, and institutional biases contribute to the invisibility of male victims, leading to underreporting and lack of support. It also underscores the need for gender-neutral laws to ensure equal protection for all victims. This research has been instrumental in my thesis by offering empirical evidence and theoretical insights into the gendered dimensions of domestic violence, reinforcing the argument for legal reforms in India to promote gender neutrality.

The research paper titled *"What about men?": Ideological dilemmas in online discussions about intimate partner violence committed by women*[10]examines online discourses on intimate partner violence (IPV), particularly focusing on violence committed by women and how gender constructs shape public perception. It identifies ideological dilemmas where gender-neutral perspectives clash with gendered understandings of IPV. The study reveals how discussions around IPV often discredit feminist arguments on gendered power dynamics and instead promote gender symmetry in domestic violence narratives. This paper has been valuable to my research by highlighting the tensions between gender-sensitive and gender-neutral approaches, reinforcing the need for a balanced legal framework in India that acknowledges all victims of domestic violence, regardless of gender.

The paper *Abused Men: Representing Male Victims of Intimate Partner Violence and/or Sexual Abuse in Law and Order: SVU*[11] offers a critical analysis of media representation of male victims of intimate partner violence (IPV) and female-

[9]Jovanoski, Aleksandar, and Kire Sharlamanov. "Male as a victims: Domestic violence from a different perspective." *International Journal of Scientific & Engineering Research* 12.3 (2021): 903-912.
[10]Venäläinen, Satu. "'What about men?': Ideological dilemmas in online discussions about intimate partner violence committed by women." *Feminism & Psychology* 30.4 (2020): 469-488.
[11]Antalóczy, Fanni. "Abused Men: Representing Male Victims of Intimate Partner Violence and/or Sexual Abuse in Law and Order: SVU." *Pro&Contra*: 25-44.

perpetrated sexual assault (FPSA). It highlights how mainstream narratives often reinforce gender stereotypes, depicting men solely as aggressors while downplaying or ignoring their victimhood. By analyzing six episodes of *Law and Order: SVU*, the paper explores how television portrays male IPV victims and female perpetrators, often reinforcing existing biases yet occasionally challenging them. This paper is instrumental in my research on gender neutrality in domestic violence laws in India, as it underscores how societal perceptions shape legal and policy responses. The study supports the argument that laws must recognize male victimization to ensure true gender neutrality. Its insights on public discourse and legal narratives provide a foundation for advocating for inclusive domestic violence legislation.

Thebook*Women Defendants and International Law: Feminist Dialogues*[12] has been instrumental in my research on gender neutrality in domestic violence laws in India by challenging the rigid gender binaries in criminal law. It critiques how legal frameworks, media narratives, and feminist interventions reinforce the perception of men as perpetrators and women as victims. The analysis of 'split subjectivity' and the exclusion of female perpetrators from legal discourse underscores the need for a more balanced approach. By highlighting biases in international criminal law, this paper strengthens my argument for a gender-neutral legal framework in India that acknowledges both male and female perpetrators in domestic violence cases.

Through the *Textbook on The Indian Penal Code by K.D.Gaur (2023) of Universal Law Publishing Co.,* I have deeply gone through the provisions of Sec.498A and found out the loopholes in Sec.498A of IPC.

Through the *Criminal Law Cases and Materials by K.D.Gaur (2022) of LexisNexis Publication,*I have gone through various cases dealt with in Sec.498A of IPC and tried to find out the cases relating to misuse of this

[12]Labenski, Sheri. *Women Defendants and International Law: Feminist Dialogues*. Taylor & Francis, 2024.

provision. The book has been helpful in providing landmark cases on the topic in hand.

Through the book *Cruelty Against Husbands by Wives & its Remedies by O.P.Tewari (2013) of Allahabad Law Agency,*the author has made an attempt to cover both national and international presentation of laws and judgements in favour of husbands relating cruelty against him. This book has been specifically important for me because it supports my research objectives.

RESEARCH METHODOLOGY

The research methodology for this thesis will be a blend of **doctrinal**, **comparative**, **empirical**, and **interdisciplinary** approaches. This mixed-method framework is essential for comprehensively addressing the theoretical, legal, and practical dimensions of gender neutrality in domestic violence laws.

1. Doctrinal Research Methodology

To critically examine the existing legal framework governing domestic violence in India, including statutes, constitutional provisions, and judicial interpretations which shall include the analysis of the **Protection of Women from Domestic Violence Act, 2005 (PWDVA)** and **Section 85 of the Bhartiya Nyaya Sanhita, 2023**, Examination of constitutional provisions, including **Articles 14, 15, and 21 of theConstitution of India** and their interpretations by Indian courts, review of key judicial precedents, such as *Hiral P. Harsora v. Kusum NarottamdasHarsora*, *Arnesh Kumar v. State of Bihar*, and *Joseph Shine v. Union of India*, to understand the judiciary's stance on gender neutrality and its intersection with domestic violence laws.

- **Sources**: Statutes, case law, government reports, and legal commentaries.

2. Comparative Research Methodology

To analyze international frameworks on domestic violence and gender-neutral laws all over the world for lessons applicable to India by conducting a study of laws in the **United States (Violence Against Women Act)**, **United Kingdom (Domestic Abuse Act, 2021)**, and **Canada's family violence legislation**.The research shall undertake the task of identification of best practices and challenges in implementing gender-neutral provisions in these jurisdictions and then making a comparative evaluation of their legislative intent, implementation mechanisms, and socio-cultural reception vis-à-vis India.

- **Sources**: International legal instruments, case law, academic articles, and policy documents.

3. Empirical Research Methodology and Analytical Approach

The objective of empirical research would be to gather primary data on the experiences of male victims of domestic violence, the societal perception of gender neutrality, and the challenges faced by law enforcement and judicial officers. The research shall be conducted by **surveys** with the male members of the society who may or may not be victims of domestic violence but would have an understanding of this deep-seated issue. The survey shall also be conducted among law students who are the future lawmakers to understand their viewpoint on the same. Professionals from the legal fraternity shall also be surveyed to explore their understanding of the situation. The key objective of the survey would be to explore the social, psychological, and institutional barriers faced by marginalized victims in seeking justice. The objective of analytical approach would be to synthesize findings from doctrinal, comparative, and empirical research to propose actionable reforms by firstly identifying the strengths and weaknesses of India's current legal framework and evaluating the feasibility of gender-neutral laws in the Indian socio-legal context and proposing amendments to the PWDVA and Section 85 BSA to include protections for male victims and

lastly by suggesting policy reforms, including training programs for law enforcement and awareness campaigns for the public.

Methods:Design of questionnaires and Statistical analysis of survey responses to identify patterns and gaps in the existing system.

- **Ethical Considerations**:Ensuring confidentiality and informed consent from participants and avoiding any form of harm or discomfort during data collection.

4. Interdisciplinary Research Methodology

The objective of interdisciplinary research would be to provide a holistic understanding of the issue by integrating insights from sociology, psychology, and gender studies through an analysis of the societal stereotypes and cultural norms that reinforce the gendered nature of domestic violence laws and an exploration of psychological impacts of domestic violence on male victims.

- **Sources**: Empirical studies, sociological theories, psychological assessments, and media analyses.

TENTATIVE CHAPTERISATION

Chapter 1- Introduction

This chapter will include the synopsis of the thesis and thus the following topics-

1.1 Background of Domestic Violence in India

1.2 Gendered Nature of Existing Domestic Violence Laws

1.3 Concept of Gender Neutrality in Law

1.4 Research Problem

1.5 Objectives of the Study

1.6 Research Questions

1.7 Scope and Significance of the Study

1.8 Methodology and Research Design

1.9 Structure of the Thesis

Chapter 2- Domestic Violence Laws in India: Historical and Legal Perspectives

2.1 Evolution of Domestic Violence Laws in India

2.2 Key Provisions of the Protection of Women from Domestic Violence Act, 2005 (PWDVA)

2.3 Analysis of Section 498A of the Indian Penal Code

2.4 Role of Directive Principles of State Policy (Article 39A) in Shaping Domestic Violence Laws

2.5 Judicial Responses to Domestic Violence: Key Judgments

Chapter 3- Gender Neutrality in Domestic Violence Laws: Conceptual and Theoretical Frameworkand Challenges faced by Male Members as victims of Domestic Violence

3.1 Defining Gender Neutrality

3.2 Feminist Legal Theories and Gender-Specific Laws

3.3 Intersectionality: Addressing Gender, Class, and Caste in Domestic Violence

3.4 International Perspectives on Gender-Neutral Domestic Violence Laws

3.5 Relevance of Gender Neutrality in the Indian Context

3.6 Male Victimization in Domestic Relationships

3.7 Societal Stigma and Masculinity Stereotypes

3.8 Legal and Institutional Challenges Faced by Male Victims

3.9 Case Studies Highlighting Gaps in the Legal Framework

3.10 Psychological and Social Impact on Non-Female Victims

Chapter 4- Comparative Analysis of Gender-Neutral Domestic Violence Laws- International Laws

This chapter will include the following sub-topics-

4.1. Gender-Neutral Laws in the United States: The Violence Against Women Act (VAWA)

4.2. Domestic Abuse Act, 2021 (United Kingdom): A Holistic Framework

4.3. Gender-Neutral Family Violence Laws in Canada

4.4. Lessons for India from Global Practices

4.5. Challenges and Limitations of Implementing Gender-Neutral Laws

Chapter 5: Criticisms and Counterarguments Against Gender-Neutral Domestic Violence Laws

5.1. Concerns About Diluting Women's Protections

5.2. Potential for Misuse of Gender-Neutral Provisions

5.3. Addressing Feminist Critiques of Gender Neutrality

5.4. Judicial and Legislative Safeguards Against Potential Misuse

Chapter 6: Findings and Analysis

6.1. Key Issues Identified in the Research

6.2. Analysis of Empirical Data Collected

6.3. Strengths and Weaknesses of the Current Legal Framework

6.4. Need for Balancing Gender Neutrality and Gender Sensitivity

Chapter 7: Recommendations and Suggestions and Conclusion

7.1. Amending the PWDVA to Include Male Victims

7.2. Introducing Gender-Neutral Provisions in Section 498A IPC

7.3. Establishing Inclusive Support Systems: Shelters, Counseling, and Helplines

7.4. Awareness and Sensitization Campaigns for Police and Judiciary

7.5. Proposing a Model Gender-Neutral Domestic Violence Law for India

7.6. Summary of Findings

7.7. Contributions of the Study

7.8. Scope for Future Research

7.9. Final Reflections on the Path Toward Gender-Inclusive Domestic Violence Laws

CONCLUSION

Domestic violence is a complex social and legal issue that requires an inclusive approach to address its multifaceted nature. While Indian domestic violence laws have significantly contributed to protecting women, their gender-specific framework leaves male victims without adequate recognition or recourse. This exclusion not only perpetuates stereotypes about victimhood and masculinity but also undermines the constitutional principles of equality and non-discrimination enshrined in Articles 14, 15, and 21 of the Indian Constitution. This research aims to bridge this systemic gap by advocating for a gender-neutral legal framework that recognizes and addresses domestic violence as a universal issue, transcending traditional gender binaries.

The proposed research is both timely and necessary. As societal norms evolve and awareness of diverse victimization patterns increases, there is a growing need for a legal system that ensures justice and dignity for all victims of domestic violence. This study, by combining doctrinal, empirical, and comparative methodologies, will provide a comprehensive analysis of the limitations of current laws and propose actionable reforms to address these gaps.

The findings of this research will contribute to academic discourse, policymaking, and public awareness, fostering a legal framework that is inclusive, equitable, and aligned with constitutional and international standards.

JUSTIFICATION FOR UNDERTAKING THE RESEARCH

The rationale for this research lies in its potential to address significant legal, social, and institutional gaps in India's response to domestic violence. Despite growing evidence of male victimization, their experiences remain under-researched and inadequately addressed within the existing legal framework. This lack of inclusivity not only marginalizes male victims but also weakens the efficacy of domestic violence laws in protecting all individuals. The study will fill this critical gap by systematically analyzing the socio-legal implications of gender-specific laws and exploring the feasibility of adopting a gender-neutral approach in the Indian context.

Additionally, the research is justified by the pressing need to harmonize India's domestic violence laws with its constitutional commitment to equality and its international obligations under conventions like the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**. By learning from international best practices, the study will provide a roadmap for reform that balances the protection of vulnerable groups with the principles of justice and equality.

BENEFITS LIKELY TO BE ACHIEVED

i. Academic Contribution:

The research will add to the growing body of literature on gender neutrality and domestic violence laws, offering a comprehensive analysis of the issue in the Indian context.

ii. Policy Recommendations:

Actionable reforms for amending the PWDVA and Section 85, BSA to include male victims. Suggestions for institutional reforms, such as sensitization programs for law enforcement and inclusive support systems like shelters and counseling services.

iii. Public Awareness and Advocacy:

The findings will aid in challenging societal stereotypes about victimhood and masculinity, fostering a more inclusive understanding of domestic violence.

iv. Harmonization with Global Practices:

By comparing international frameworks, the study will highlight best practices and offer lessons for implementing gender-neutral laws in India.

v. Strengthening Constitutional Values:

The research will reinforce India's constitutional commitment to equality, non-discrimination, and dignity for all individuals, irrespective of gender.

This research is not merely a theoretical exercise but a step toward realizing a more inclusive and just legal framework for domestic violence in India. By addressing the systemic gaps in the current laws, this study aspires to contribute to the broader goal of achieving substantive equality and justice for all victims of domestic violence.

REFERENCES:

- **ACTS & STATUTES**

1. **Protection of Women from Domestic Violence Act, 2005 (PWDVA)** – Provides legal protection and relief mechanisms for female victims of domestic violence.
2. **Bhartiya Nyaya Sanhita, 2023 (BNS) – Section 85** – Addresses offenses related to domestic violence.
3. **Indian Penal Code (IPC) – Section 498A** – Criminalizes cruelty towards married women by their husbands or relatives.
4. **Dowry Prohibition Act, 1961** – Prohibits the giving and receiving of dowry in marriages.
5. **Constitution of India** – Articles 14, 15, and 21 – Ensure equality, non-discrimination, and protection of life and personal liberty.

- **International Legal Instruments**

1. **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** – A key international treaty addressing gender-based violence and discrimination.
2. **Declaration on the Elimination of Violence Against Women (DEVAW), 1993-** Recognizes domestic violence as a human rights violation and calls for international action.
3. **United Nations Sustainable Development Goals (SDGs), Goal 5** – Focuses on achieving gender equality and eliminating violence against women and girls.
4. **United States- Violence Against Women Act (VAWA), 1994 (Amended in 2013 & 2022)**
5. **United Kingdom- Domestic Abuse Act, 2021**
6. **France- Law No. 2010-769 on Violence Against Women, Domestic Violence, and Forced Marriages**
7. **Canada- Family Violence Laws & Protection Orders (Criminal Code & Family Law Acts, 2015 Amendment)**

- **BOOKS & LEGAL COMMENTARIES**

1. **Gaur, K.D. (2023).** ***Textbook on The Indian Penal Code*****. Universal Law Publishing Co.** – Provides a comprehensive analysis of IPC provisions, including Section 498A.
2. **Diwan, P. & Diwan, P. (2022).** ***Family Law in India*****. LexisNexis.** – Covers Hindu and Muslim personal laws, including inheritance and domestic violence laws.
3. **Sharma, R. (2019).** ***Law Relating to Domestic Violence*****. Eastern Book Company.** – Discusses domestic violence laws, judicial interpretations, and legal challenges.

- **Research Papers & Journal Articles**

1. **"Critical Analysis of Domestic Violence: A Gender-Neutral Study"** – Examines the exclusion of male victims from legal protection under the PWDVA, advocating for gender-neutral domestic violence laws.
2. **"Gender Justice and Domestic Violence in India"** – Explores the constitutional and international obligations for gender-inclusive protection against domestic violence.
3. **"Revisiting Section 498A: Misuse and Judicial Interpretations"** – Analyzes the judicial trends and criticism of Section 498A IPC.

- **Judicial Precedents**

1. **Hiral P. Harsora v. Kusum NarottamdasHarsora (2016)** – Supreme Court widened the scope of the PWDVA, recognizing protection beyond married women.
2. **Arnesh Kumar v. State of Bihar (2014)** – Supreme Court guidelines to prevent misuse of Section 498A IPC.
3. **Joseph Shine v. Union of India (2018)** – Decriminalized adultery and discussed gender equality in personal laws.
4. **Smt. Reshma Rani v. State of NCT of Delhi (2018) -** The **Delhi High Court** recognized that **men can also be victims of domestic violence** and highlighted the misuse of 498A by some individuals.

- **Government Reports & Policy Documents**

1. **National Crime Records Bureau (NCRB) Reports on Domestic Violence** – Provides statistical data on domestic violence cases in India.
2. **Law Commission of India Report on Misuse of Section 498A IPC** – Analyzes legal reforms to prevent misuse of anti-dowry laws.